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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,338	01/26/2001	Neil Fishman	13768.158	6789
7590	06/10/2004		EXAMINER	
RICK D. NYDEGGER WORKMAN, NYDEGGER & SEELEY 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	
			DATE MAILED: 06/10/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

P.Ry

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/771,338	FISHMAN ET AL.	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-35 is/are rejected.  
 7) Claim(s) 4,6,9,11,15,16,21,23,26,28, and 32 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

*Claims 1-35 are pending.*

### ***Claim Objections***

1. Claims 4, 6, 9, 11, 15, 16, 21, 23, 26, 28, and 32 are objected to because of the following informalities: use of “and” in series, should be in the alternative “or”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Verkler et al (U.S. 5,850,517).

- a. Per claims 1, 17, 20 and 33 (differs only by statutory class), Verkler et al teaches a computerized system that includes a content server, a mobile gateway, and a first and a second mobile client [one or more mobile clients], the first and second mobile clients differing from each other in at least one operating characteristic, wherein the mobile gateway receives content that is addressed to the first and second mobile clients from the content server, a method of customizing the content based on at least one operating characteristic of each mobile client,

wherein the customizing avoids further processing at the content server, the method comprising a mobile gateway performing the acts of:

- assigning a first transform to the first mobile client and assigning a second transform to the second mobile client, the first and second transforms specifically considering one or more operating characteristics of the first and second mobile clients (col.7, lines 39-55; the message gateway queues messages intended for specific mobile clients);
- receiving content from the content server (Fig.4 and col.4, lines 1-4; message gateway receives content from server via an agent)
- altering the content according to the first and second transforms so that the content is compatible with the one or more operating characteristics of the first and second mobile clients, the altered content comprising a first transformed content and a second transformed content (col.7, lines 57-59 and col.9, lines 57-65; message gateway configures content before transmission to mobile clients)
- establishing a communication link between the mobile gateway and the first and second mobile clients (col.2, lines 26-27 and col.7, lines 9-14; mobile clients may access message gateway through various types of communication modes); and
- sending the first transformed content to the first mobile client and sending the second transformed content to the second mobile client (Fig.4 and col.7, lines 51-52; message gateway forwards messages to the prospective mobile clients).

b. Per claims 10 and 27 (differs only in statutory class), Verkler et al teaches a computerized system that includes a content server, a mobile gateway, and a first mobile client, wherein the mobile gateway receives from the content server, content that is addressed to the first mobile client, a method of customizing the content based on at least one operating characteristic of the first mobile client, wherein the customizing avoids further processing at the content server, the method comprising a mobile gateway performing the acts of:

- assigning a first transform to the first mobile client, the first transform specifically considering one or more operating characteristics of the first mobile client (col.7, lines 39-55; the message gateway queues messages intended for specific mobile clients);

- receiving content from the content server (Fig.4 and col.4, lines 1-4; message gateway receives content from server via an agent)
- altering the content according to the first transform so that the content is compatible with the one or more operating characteristics of the first mobile client, the altered content comprising a first transformed content (col.7, lines 57-59 and col.9, lines 57-65; message gateway configures content before transmission to mobile clients);
- establishing a communication link between the mobile gateway and the first mobile client (col.2, lines 26-27 and col.7, lines 9-14; mobile clients may access message gateway through various types of communication modes); and
- sending the first transformed content to the first mobile client (Fig.4 and col.7, lines 51-52; message gateway forwards messages to the prospective mobile clients).

c. Per claims 2, 12 and 29, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 10 and 27 further comprising the act of at least one of the transforms encrypting the content (col.7, lines 59-63; message gateway can apply system security through user password encryption).

d. Per claims 3, 13 and 30, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 10 and 27 further comprising the act of at least one of the transforms compressing the content (col.8, lines 17-19; data compression may be used during data transmission).

e. Per claims 4, 15, 21 and 32, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 10, 20 and 27 wherein at least one of the mobile clients is one of a telephone, a pager, a personal digital assistant, and a cascaded mobile gateway (col.3, lines 35-39; client comprises portable computer systems and etc).

f. Per claims 5, 14, 22 and 31, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 10, 20 and 27 wherein the first transformed content comprises a notification that additional content is available at the content server, the method further comprising the acts of:

- receiving a request for the additional content from the first mobile client, retrieving the additional content from the content server (col.10, lines 8-13; client can request specific alerts to be sent via message gateway);
- altering the additional content according to the first transform so that the content is compatible with the one or more operating characteristics of the first mobile client, the act of altering producing a first transformed additional content (col.9, lines 1-13; alteration of additional content may take the form of redirecting messages over a different media when clients relocate); and
- sending the first transformed additional content to the first mobile client (col.8, lines 33-37; events-based notifications are transmitted to prospective clients).

g. Per claims 6, 11, 23 and 28, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 10, 20 and 27 wherein the one or more operating characteristics considered by the first and second transforms include at least one of the first and second mobile client's software, processor, memory, display, and communication link (col.8, lines 20-28; message gateway acknowledges communication link transform).

h. Per claims 7, 19, 24 and 35, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 17, 20 and 33 wherein the computerized system includes a third mobile client, the method further comprising the acts of:

- assigning the first transform to the third mobile client, the first transform specifically considering one or more operating characteristics of the third mobile client (col.4, lines 14-20; data alerts function as transforms that can be assigned or

addressed to multiple clients since distinct clients could have the same data or operating characteristics) and

- sending the first transformed content to the third mobile client (col.4, lines 20-26; data alerts are transmitted to client and/or other clients that also require the alerts).

i. Per claims 8, 18, 25 and 34, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 17, 20 and 33 wherein the content received from the content server is addressed to a list containing the first and second mobile clients, the method further comprising the act of addressing the content specifically to the first mobile client and to the second mobile client as defined in the list (col.9, lines 16-22; message gateway manages list of clients for addressing content to prospective clients).

j. Per claims 9, 16, 26 and 32, Verkler et al teaches a method/computer program product with machine-executable instructions as recited in claims 1, 10, 20 and 27 wherein the content comprises one of email, calendar, contact, task, Web, notification, financial, configuration, and sports content (col.4, lines 12-16 and col.10, lines 3-10; content includes data alerts/notifications, email updates, financial stock quotes and etc).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Himmel (U.S. 6,167,441) disclosed a customization of Internet content based on requester type.

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b. Cheung et al (U.S. 5,953,507) disclosed a method and apparatus for providing a three-way connection between a mobile computing device, a stationary computing device and a computer network.

c. Wada et al (U.S. 5,845,079) disclosed a mobile migration communication control device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 703-605-4244. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles  
Examiner  
Art Unit 2141

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